IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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| Maurice Graves, #208580, | ) | C/A No.: 1:13-2866-JFA-SVH |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| vs. | ) | ORDER |
| | ) | REQUIRING INFORMATION |
| Michael McCall, | ) | FROM RESPONDENT |
| | ) | |
| Respondent. | ) | |
| | ) | |

Petitioner Maurice Graves, an inmate in the custody of the South Carolina Department of Corrections ("SCDC"), filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 1993 convictions for voluntary manslaughter and robbery ("1993 Convictions"). In his return, Respondent notes that Petitioner is not in SCDC custody on his 1993 Convictions, but on a later-imposed sentence. [ECF No. 35 at 1, 2, 30–32]. Although Respondent provides a conviction summary from the SCDC Offender Management System [ECF No. 35-33], it is not accompanied by an affidavit or otherwise authenticated, and it also does not reflect the precise completion date of Petitioner's 1993 Convictions and the significance of "act" under the column "Conv Stat."

In his response to Respondent's motion for summary judgment, Petitioner argues that the SCDC summary report "never reveals that petitioner's voluntary manslaughter and strong arm robbery conviction expired in 2005." [ECF No. 67 at 11]. Respondent's reply does not address this issue. [ECF No. 74].

To the extent that Petitioner is, indeed, not in custody on the 1993 Convictions that he challenges, the court would be without jurisdiction to evaluate the merits of his habeas petition under 28 U.S.C. § 2254(a).

Therefore, the court directs Respondent to have the responsible SCDC records employee file an affidavit by December 1, 2014, explaining Petitioner's custodial sentences according to its official records. The affidavit should reflect the termination dates of Petitioner's 1993 Convictions and the start dates for any subsequent convictions.

IT IS SO ORDERED.

November 14, 2014                          Shiva V. Hodges
Columbia, South Carolina                   United States Magistrate Judge